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UNITED STATES OF AMERICA,
Plaintiff,
v.
ROYRICK DWAYNE MILLER,
Defendant.

Case No. 10-cr-00681-AMO-2

**ORDER DENYING MOTION FOR
COMPASSIONATE RELEASE**

Re: Dkt. No. 161, 178

Before the Court is Defendant Royrick Dwayne Miller's renewed motion for compassionate release pursuant to Title 18 U.S.C. § 3582(c)(1)(A), filed on May 6, 2025. ECF 161. Miller first filed a motion for compassion release on December 8, 2020. ECF 119. The Court denied the motion. ECF 131. Miller filed a second motion for a sentence reduction on March 1, 2024, ECF 135, which the Court denied on May 6, 2024, ECF 143. The instant motion followed on May 6, 2025. The Government filed an opposition, ECF 166, and Miller filed a reply, ECF 169. The Probation Office also provided a response to the compassionate release motion. ECF 172.¹ Having reviewed the record and considered the parties' briefs and applicable legal standards, the Court **DENIES** Miller's renewed motion for the reasons set forth below.

I. BACKGROUND

On September 14, 2011, pursuant to a Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement, Miller pleaded guilty to one count of conspiracy to interfere with commerce by robbery in violation of Title 18 U.S.C. § 1951(a) and one count of armed bank robbery in violation

¹ On July 21, 2025, the Court received an "Ex Parte Application for Expedited Ruling" from Miller, ECF 178, related to this motion. Because the instant Order resolves the motion, the Court **DENIES** the "Application" as moot.

1 of Title 18 U.S.C. §§ 2113(a) and (d). ECF 1; ECF 78. The Court sentenced Miller to 212 months
2 of imprisonment followed by a five-year term of supervised release, a \$200 special assessment,
3 and \$18,713.78 in restitution. ECF 84, ECF 85. Miller is currently serving the remainder of his
4 sentence in Bureau of Prisons (BOP) custody at a Residential Reentry Center in San Francisco.
5 His projected release date is November 9, 2025.

6 **II. DISCUSSION**

7 Miller moves for compassionate release under Title 18 U.S.C. § 3582. He requests that the
8 Court reduce his sentence to time served or, alternatively, that he be permitted to serve the
9 remainder of his sentence in home confinement. The Court briefly takes up the latter request
10 before addressing Miller's motion for sentence reduction.

11 Miller requests the Court order home confinement for the duration of his sentence.
12 However, “[a]uthority to determine place of confinement resides in the executive branch of
13 government and is delegated to the Bureau of Prisons.” *United States v. Ceballos*, 671 F.3d 852,
14 855 (9th Cir. 2011) (per curiam). The Court has no authority to designate where Miller will serve
15 the remainder of his sentence, and his alternate request is accordingly DENIED.

16 Miller again, *see* ECF 131, moves this Court for a reduction in sentence Title 18 U.S.C.
17 § 3582. As amended by the First Step Act, Title 18 U.S.C. § 3582(c)(1)(A), provides that a court
18 may modify a previously imposed sentence “upon motion of the defendant after the defendant has
19 fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a
20 motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the
21 warden of the defendant’s facility, whichever is earlier.” Once a defendant has exhausted their
22 administrative remedies, a court has the discretion under Section 3582(c)(1) to reduce a sentence
23 only when three conditions are met: (1) extraordinary and compelling reasons warrant a reduction;
24 (2) the reduction is consistent with applicable policy statements issued by the Sentencing
25 Commission; (3) after considering the sentencing factors in Section 3553(a), the reduction is
26 warranted under the particular circumstances of the case. *United States v. Bryant*, No. 24-3093, --
27 F.4th ---, 2025 WL 2026172 *1 (9th Cir. July 21, 2025) (citing *United State v. Wright*, 46 F.4th
28

1 938, 945 (9th Cir. 2022)). The motion may be denied if Miller fails to satisfy any of these
2 conditions. *Id.*

3 When Miller last moved for compassionate release, that motion was denied in part because
4 the Court found that the applicable Section 3553(a) factors weighed against him. ECF 131 at 3.
5 The Court, thus, begins its analysis here by considering the Section 3553(a) factors, which include
6 (1) the nature and circumstances of the offense and the history and characteristics of the
7 defendant; (2) the need for the sentence imposed to reflect the seriousness of the offense, to
8 promote respect for the law, to provide just punishment for the offense, to afford adequate
9 deterrence to criminal conduct, and to protect the public from further crimes of the defendant;
10 (3) the kinds of sentences available; (4) the sentences and ranges established by the Sentencing
11 Guidelines; (5) relevant policy statements issued by the Sentencing Commission; (6) the need to
12 avoid unwarranted sentence disparities among similarly situated defendants with similar records
13 who have been found guilty of similar conduct; and (7) the need to provide restitution to victims.
14 18 U.S.C. § 3553(a). Though the Court does not reach all these factors, review of several of them
15 reveals that the Section 3553(a) factors continue to weigh against reducing Miller's sentence.

16 To begin, the nature and circumstances of the offense are notably serious. While the Court
17 does not detail them all here, it highlights that after an armed bank robbery, Miller and his
18 conspirator fled in one car they soon crashed and abandoned and then Miller held a gun to a
19 4-year-old child's head while demanding that the child's family give them keys to a car to
20 continue evading arrest. ECF 80 at 3; ECF 83 at 1. The Court notes that Miller's sentence was
21 the result of a conditional plea under Federal Rule of Criminal Procedure 11(c)(1)(c), and that the
22 212-month sentence imposed was jointly recommended by Miller and the Government. *See* ECF
23 83 at 2:13-17. The sentence imposed remains necessary to reflect the seriousness of the offense
24 and to endorse respect for the law. Moreover, the Court again concludes that Miller's previous
25 criminal history, and the nature of his prior offenses, weighs against a sentence reduction, as
26 granting a reduction would not promote the provision of just punishment for the offense or the
27 protection of the public. *See* ECF 131 at 3.

1 Miller contends that several considerations merit a different result from the last time he
2 moved for a reduction of sentence: his having served an additional five years of his sentence, his
3 continued rehabilitation, and his novel humanitarian arguments for relief, including his mother's
4 health. ECF 169 at 11. The Court is not persuaded. In particular, his bases for the relief are not
5 matters to be considered in the Section 3553(a) analysis. Miller's completion of a substantial
6 portion of his sentence along with his continued rehabilitation seem items for the Court to consider
7 in a separate portion of the compassionate release analysis – whether Miller had raised
8 “extraordinary or compelling reasons” to warrant compassionate release – not in weighing the
9 Section 3553(a) factors. *See* 18 U.S.C. § 3582(c)(1)(A).

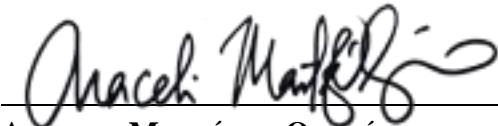
10 Because the Section 3553(a) factors weigh against Miller's release, the Court need not
11 address whether he has demonstrated an extraordinary and compelling reason to warrant
12 compassionate release under Title 18 U.S.C. § 3582(c)(1)(A). Even if Miller could demonstrate
13 an extraordinary and compelling reason for his release, the Court must deny his motion because a
14 reduction of his sentence to time served would conflict with the Section 3553(a) sentencing
15 factors. *See Bryant*, 2025 WL 2026172 at *1.

16 **III. CONCLUSION**

17 For the foregoing reasons, the Court **DENIES** Miller's request for a reduction in sentence.
18 Though this result may seem harsh given the months Miller has left in his sentence, “[o]ur justice
19 system relies on the finality of criminal judgments.” *Bryant*, 2025 WL 2026172 at *1 (*citing*
20 *Teage v. Lane*, 489 U.S. 288, 309 (1989)).

21
22 **IT IS SO ORDERED.**

23 Dated: August 6, 2025

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27 **ARACELI MARTÍNEZ-OLGUÍN**
28 **United States District Judge**